

article and ordering that it be condemned. It was further ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be used, sold, or disposed of in violation of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17736. Adulteration of canned salmon. U. S. v. 294 Cases of Pink Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25151. I. S. No. 1084. S. No. 3412.)

Samples of canned salmon from the herein described shipment having been found to contain tainted and stale fish, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On September 17, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 294 cases of canned pink salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Demmert Packing Co., from Klawack, Alaska, on or about August 20, 1930, and had been transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On September 29, 1930, Charles W. Demmert, Emma F. Demmert, and George Demmert, a copartnership trading as the Demmert Packing Co., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned in part that the adulterated portion of the product be separated from the good portion, under the supervision of this department, and that the former be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17737. Adulteration and misbranding of canned salmon. U. S. v. 222 Cases of Salmon. Default decree of condemnation and destruction. (F. & D. No. 25183. I. S. No. 6288. S. No. 3449.)

An examination of samples of canned salmon from the herein described interstate shipment showed that certain cans contained stale and tainted fish, and that a portion of the cases were labeled, "Col. River," whereas the article was Alaska salmon.

On October 4, 1930, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 222 cases of canned salmon at Sioux City, Iowa, alleging that the article had been shipped by McGovern & McGovern, from Seattle, Wash., on or about September 4, 1930, and had been transported from the State of Washington into the State of Iowa, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the cases were labeled in part: "North of Fifty Three Degrees Brand Fancy Alaska Pink Salmon Distributed by Elmer W. Smith, Inc., Seattle, Washn." The remainder of the said cases were labeled in part: "Col. River." The cans were labeled in part: "North of Fifty Three Degrees Brand Fancy Alaska Pink Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in part of decomposed animal matter.

Misbranding was alleged with respect to a portion of the article for the reason that the statement "Col. River" was false and misleading and deceived and misled the purchaser when applied to salmon packed in Alaska.

On October 27, 1930, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17738. Adulteration of canned salmon. U. S. v. 1,168 Cases, et al., of Salmon. Decrees of condemnation entered. Portion of product ordered released under bond to be reconditioned. Remainder ordered destroyed or delivered to fish hatcheries. (F. & D. Nos. 25177, 25191, 25192. I. S. Nos. 1087, 1089, 1091. S. Nos. 3443, 3447, 3448.)

Samples of canned salmon from the herein described shipments having been found to contain tainted and stale fish, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On October 3, October 6, and October 14, 1930, respectively, the said United States attorney filed in the District Court of the United States for the district aforesaid 3 libels praying seizure and condemnation of 2,507 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Iverson Packing Co., from Ketchikan, Alaska, in part on or about August 20, 1930, and in part on or about August 26, 1930, and had been transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The cases containing the article were labeled in part: "I. Pkg. Co. * * * Eat More Salmon."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 10, 1930, the West Sales (Inc.), Seattle, Wash., having appeared as claimant in 2 cases involving libels covering 1,353 cases of the product and having admitted the allegations of the libels, paid costs and executed bonds totaling \$1,700, conditioned in part that the said product should not be sold or otherwise disposed of contrary to law, judgments of condemnation were entered, and it was ordered by the court that portion covered by the said libels be segregated and reconditioned under the supervision of this department, the portion thereof found fit for food released to the claimant and the unfit portion disposed of in accordance with the law. On November 24, 1930, no claimant having appeared for the portion of the product seized under the remaining libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said portion of the product be destroyed or delivered to the State Fisheries Department for use in the hatcheries for fish food.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17739. Misbranding of olive oil. U. S. v. 24 Cans, et al., of Olive Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25100, 25135. I. S. Nos. 2545, 4416, 4425. S. Nos. 3373, 3394.)

Sample cans of olive oil from the herein described interstate shipment having been found to contain less than 1 gallon, the volume declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On September 9 and September 11, 1930, respectively, the said United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 39 cans of olive oil, remaining in the original unbroken packages at Newark and Paterson, N. J., alleging that the article had been shipped by Economu & Ritsos, from New York, N. Y., in 2 consignments, on or about July 17 and July 18, 1930, respectively, and had been transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "One Gallon Net * * * Pure Olive Oil * * * Packed and Imported by Economu-Ritsos Co. New York."

It was alleged in the libels that the article was misbranded in that the statement "One Gallon Net," borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On October 29 and November 25, 1930, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17740. Misbranding of apples. U. S. v. 160 Barrels of Apples. Consent order releasing product under bond to be relabeled. (F. & D. No. 25219. I. S. No. 9529. S. No. 3499.)

Examinations of apples from the herein described interstate shipment having shown that a large portion thereof was below the grade declared on the labels of the barrels, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On October 16, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and